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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,080	06/10/2002	Stephen G. Dale	CROSS1490	7094

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EXAMINER
HAMZA, FARUK

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/064,080	DALE ET AL.
Office Action Summary	Examiner	Art Unit	
	FARUK HAMZA	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 February 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19 and 22-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19 and 22-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the communication filed on February 13, 2008.

Claims 1-19 and 22 have been amended. Claims 20-21 have been canceled.

Claims 23-30 have been newly added. Claims 1-19 and 22-30 are pending.

Claim Rejections - 35 USC § 101

2.   Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 22 embraces or overlaps two

separate statutory classes of invention set forth in 35 U.S.C. 101 in a single

claim. A claim of this type is precluded by the express language of 35 U.S.C.

101 which is drafted so as to set forth the statutory classes of invention in the

alternative only. Each statutory class of claims must be considered

independently on its own merits, see Ex parte Lyell (BdPatApp&Int) 17 USPQ2d

1548 Ex Parte Lyell.

Claim Rejections - 35 USC § 112

3.   Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claims are ambiguously

constructed and indeterminate in scope because they purport to claim both a

product and method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-19, 22, 26 and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tsuchiya et al. (U.S. Patent Number 6,950,864) hereinafter

referred as Tsuchiya , and further in view of Wu et al. (U.S. Patent Number

7,257,625) hereinafter referred as Wu.

          Tsuchiya teaches the invention substantially as claimed including an agent

includes a control processing section for performing a control of selectively

collecting a plurality of management objects from a managed device, and a

memory section for storing the management objects collected from the managed

device (See abstract).

          As to claim 1, Tsuchiya teaches a method for caching information about

devices on a network, the method comprising:

          storing static or near-static data about a target device in a memory

(abstrcut, Tsuchiya discloses storing status information about a target device);

          receiving a request for the static or near-static data about the target device

(Fig. 8, Column 6, lines 37-52, Tsuchiya discloses receiving request for status

data);

          reading the static or near static data about the target device from the

memory (Column 6, lines 37-60, Tsuchiya discloses reading status data from

memory); and

providing the static or near-static data about the target device in response

to the request (Column 6, lines 62-Column 7, lines 25, Tsuchiya discloses

providing status data).

Tsuchiya does not explicitly teaches the claimed limitation of a router

coupled to cache memory reside in the network.

However, Wu teaches the claimed limitation of a router coupled to cache

memory reside in the network (Fig. 1).

It would have been obvious to the ordinary skill in the art at the time of the

invention to modify Tsuchiya by adding router and cache memory, which would

direct and control the flow of data through the network and access data faster

than memory. One would be motivated to enhance system's performance.

As to claim 2, Tsuchiya teaches the method of claim 1, further

comprising

collecting the static or near-static data about the target device prior to storing

the static or near-static data about the target device (abstract).

As to claim 3, Tsuchiya teaches the method of claim 2, wherein collecting

the static or near-static data about the target device comprises detecting the static

or near-static data about the target device as the static or near-static data about

the target device is transmitted from the target device to a requesting host device

(Fig. 8).

As to claim 4, Tsuchiya teaches the method of claim 2, wherein collecting

the static or near-static data about the target device comprises detecting a request

for the static or near-static data about the target device as the request is routed

from a host to the target device and copying the static or near-static data about the

target device which is returned by the target device in response to the request

(Column 6, lines 62-Column 7, lines 25).

As to claim 5, Tsuchiya teaches the method of claim 1, wherein providing

the static or near-static data about the target device in response to the request

comprises determining whether the target device is busy, and providing the stored

static or near-static data about the target device if the target device is busy and

providing static or near-static data returned by the target device if the target device

is not busy (Column 2, lines 30-64).

As to claim 6, Tsuchiya teaches the method of claim 5, wherein if the

target device is not busy, the static or near-static data that is returned by the target

device in response to the request is stored in the cache memory in place of

previously stored static or near-static data (Column 1, lines 45-61, Column 2, lines

30-64).

As to claim 7, Tsuchiya teaches the method of claim 1, wherein the static

or near-static data from the cache memory is provided to the target device in

response to the request regardless of whether or not the target device is busy

(Column 1, lines 45-61).

As to claim 8, Tsuchiya teaches the method of claim 1, further comprising

storing static or near-static data about each of a plurality of target devices,

receiving requests for the static or near-static data about one or more of the target

devices, determining whether the corresponding target devices are busy and, for each of the target devices that is busy, returning the corresponding stored static or near-static data, and, for each of the target devices that is not busy, returning the corresponding static or near-static data returned by the target device (Column 1, lines 45-61, Column 2, lines 30-64).

As to claim 9, Tsuchiya teaches the method of claim 1, further comprising: upon receiving a first request for static or near-static data, forwarding the first request to the target device regardless of whether or not the target device is busy, storing static or near-static data returned in response to the first request, forwarding static or near-static data returned in response to the first request to a requesting device and, in response to subsequent requests, reading the static or near-static data returned in response to the first request from the cache memory and providing the static or near-static data returned in response to the first request in response to the subsequent requests (Column 1, lines 45-61, Column 2, lines 30-64).

As to claim 10, Tsuchiya teaches the method of claim 1, further comprising determining whether a received command comprises a request for static or near-static data and: if the received command comprises a request for static or near-static data, reading the static or near-static data from the cache memory and providing the static or near-static data about the target device in response to the request; and if the received command does not comprise a

request for static or near-static data, forwarding the command to the target device

for execution (Column 1, lines 45-61, Column 2, lines 30-64).

Claims 11-19 and 22 do not teach or define any new limitations other than

above claims 1-10. Therefore, 11-19 and 22 rejected for similar reasons.

As to claim 26, Tsuchiya teaches the method of claim 1, wherein the static

or near-static data includes an indicator indicating that the target device is unable

to respond (Column 1, lines 32-34).

Claim 30 does not teach or define any limitation other than above claim

26. Therefore, claim 30 is rejected for similar reason.

5.   Claims 23-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tsuchiya et al. (U.S. Patent Number 6,950,864) hereinafter

referred as Tsuchiya, and in view of Wu et al. (U.S. Patent Number 7,257,625)

hereinafter referred as Wu and further in view of Todd et al. (U.S. 6,950, 864)

hereinafter referred as Todd.

As to claim 23, Tsuchiya and Wu teach the method of claim 1.

Tsuchiya and Wu do not explicitly teach the claimed limitation of static or

near-static data include identification information specific to the target device.

However, Todd teaches the claimed limitation of static or near-static data

include identification information specific to the target device (Column 3, lines 35-

40).

It would have been obvious to the ordinary skill in the art at the time of the

invention to modify Tsuchiya and Wu by adding future to provide identification

information of the target device, which would allow system to recognize any
unknown device. One would be motivated to enhance system's usability.

As to claim 24, Todd teaches the method of claim 23, wherein the
identification information specific to the target device includes a serial number of
the target device (Column 3, lines 35-40).

As to claim 25, Todd teaches the method of claim 23, wherein the
identification information specific to the target device includes configuration of the
target device (Column 3, lines 35-40).

Claims 27-29 do not teach or define any new limitations other than above
claims 23-25. Therefore, claims 27-29 rejected are rejected for similar reasons.

Response to Arguments

6.   Applicant's arguments have been considered but are moot in view of the
new ground(s) of rejection.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Faruk Hamza whose telephone number is
571-272-7969. The examiner can normally be reached on Monday through
Friday.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax
phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

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/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155